



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

NOV 23 2009

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Ms. Betty T. Fischer

Arlington, TX 76013

RE: MUR 6075  
Friends of Bill Zedler, *et al.*

Dear Ms. Fischer:

On November 17, 2009, the Federal Election Commission reviewed the allegations in your complaint dated September 19, 2008 and found that on the basis of the information provided in your complaint, and information provided by Bill Zedler, Friends of Bill Zedler, Congressman Joe Barton and Congresswoman Kay Granger, there is no reason to believe that Bill Zedler, Friends of Bill Zedler, Congressman Joe Barton and Congresswoman Kay Granger violated 2 U.S.C. § 441i(e)(1)(B). Accordingly, on November 17, 2009, the Commission closed the file in this matter.

Documents related to the case will be placed on the public record within 30 days. *See* Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003). The Factual and Legal Analyses, which more fully explain the Commission's findings are enclosed.

The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. *See* 2 U.S.C. § 437g(a)(8).

Sincerely,

Susan L. Lebeaux  
Assistant General Counsel

Enclosures  
Factual and Legal Analyses

29044254646

**FEDERAL ELECTION COMMISSION**

**FACTUAL AND LEGAL ANALYSIS**

RESPONDENTS: Bill Zedler  
Friends of Bill Zedler

MUR: 6075

**I. INTRODUCTION**

This matter was generated by a complaint filed by Betty Fischer. *See* 2 U.S.C. 437(g)(a)(1).

**II. FACTUAL SUMMARY**

The complaint alleges that Congressman Joe Barton, Congresswoman Kay Granger, Texas State Representative Bill Zedler and his state campaign committee, Friends of Zedler, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act") in connection with a September 9, 2008 fundraising event for Bill Zedler's reelection to the Texas State House of Representatives. Specifically, the complaint alleges that U.S. Representatives Barton and Granger, together with their "agent," State Representative Zedler, illegally solicited "soft money" in an August 19, 2008 invitation to the event. Representative Zedler responded to the complaint by asserting that the matter should be dismissed. He submitted an affidavit as a part of his response.

The invitation solicited contributions in the amounts of \$1,000, \$2,500, or \$5,000. The complaint states that after a *Texas Weekly* blog article described the invitation as a "violation," the Zedler campaign sent a second invitation that omitted the Representatives' names and designations and stated "a layout error was made on the previous invitation to this event. This corrected invitation supersedes all other invitations in order to ensure complete compliance with

state and federal law." The second invitation solicits contributions in the same amounts as the first.

In his affidavit, Zedler states that Representative Barton and Granger, as well as Texas Attorney General Greg Abbott, and Texas State Senators Kim Brimar and Jane Nelson, agreed to serve as "Honorary Hosts" of his September 9, 2008 fundraiser. According to Zedler, "[a]sking other elected officials to serve as Honorary Hosts is customary in state elections." However, Zedler avers:

At no time during the conversations with any of the elected officials or their respective staffs were they requested to solicit political contributions on my behalf nor did they request that I solicit political contributions in their name or otherwise authorize me or my staff to do so. Moreover, it was never my intent to attribute any funds that would be raised at the fundraiser for my state re-election campaign to any of the elected officials due to their mere attendance at the fundraiser. . . . None of the elected officials or their respective staffs reviewed or were otherwise involved in the preparation or dissemination of the invitation. Additionally, neither my staff nor I informed Congresswoman Granger and Congressman Barton, or their respective staffs, as to the content of the invitation.

After speaking to the *Texas Weekly* reporter, Zedler contacted the staffs of Representatives Barton and Granger and told them he was reissuing the invitation without their names and publishing "a new and clarifying invitation to supersede all previous invitations." Finally, Zedler avers that neither Representative attended the fundraiser, that the largest individual contribution received at the event was \$1,250, and that the largest PAC contribution received was \$2,500, both of which are within the applicable federal limits. In their joint response, the Representatives rely on Zedler's affidavit, but additionally state that the conversations with the Zedler campaign were through their staffs, the agreements to serve as "honorary hosts" were "preliminary," and that neither they, nor their respective staffs, reviewed or were otherwise aware of the first invitation prior to its issuance by the Zedler campaign.

29044254648

### **III. ANALYSIS**

Federal officeholders and candidates for Federal office may solicit, receive, direct, transfer or spend funds in connection with any non-Federal election, only in amounts and from sources that are consistent with State law and that do not exceed the Act's contribution limits or come from prohibited sources. *See* 2 U.S.C. § 441i(e)(1)(B) and 11 C.F.R. § 300.62. At the time of the events in question, the Act limited individual contributions to \$2,300; political action committee contributions were and are limited to \$5,000. *See* 2 U.S.C. §§ 441a(a)(1)(A) and 441a(a)(2)(A); *see also* 2 U.S.C. § 441a(e).

Here, the first invitation solicits contributions of up to \$2,500 and \$5,000, which exceed the Act's limitation for individual contributors. In addition, the invitation fails to state that corporate and labor union contributions are prohibited. However, from the information available, it appears that neither Representative approved, authorized, agreed or consented to be featured or named, in the publicity. The complaint states that "it is inconceivable that [State Representative Zedler] would have distributed an invitation featuring two Members of Congress without having secured their consent beforehand." However, while Zedler apparently thought he had their final consent to serve as "Honorary Hosts," he stated in his affidavit that he did not have Representatives Barton's and Granger's consent to use their names in an invitation in order to raise money. Zedler has averred, and both Representatives agree, that there were no conversations with the Representatives or their staffs concerning the soliciting of contributions on Zedler's behalf or in their names. Moreover, in his affidavit, Zedler stated that he never obtained authorization from the Representatives to solicit contributions using their names, and that neither the Representatives nor their staffs reviewed or were involved in the preparation or dissemination of the first invitation, or were informed of its contents. Further, Barton and

29044254649

Granger each assert that even the agreement to serve as "Honorary Host" was "preliminary."

Accordingly, the Commission determined that the Representatives did not appear to have approved, authorized, agreed, or consented to be featured or named in the first invitation.

Therefore, the Commission found no reason to believe that Bill Zedler and Friends of Bill Zedler violated 2 U.S.C. § 441i(e)(1)(B).

29044254650

**FEDERAL ELECTION COMMISSION**

**FACTUAL AND LEGAL ANALYSIS**

RESPONDENTS: Joe Barton  
Kay Granger

MUR: 6075

**I. INTRODUCTION**

This matter was generated by a complaint filed by Betty Fischer. *See* 2 U.S.C. 437(g)(a)(1).

**II. FACTUAL SUMMARY**

The complaint alleges that Congressman Joe Barton, Congresswoman Kay Granger, Texas State Representative Bill Zedler and his state campaign committee, Friends of Zedler, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act") in connection with a September 9, 2008 fundraising event for Bill Zedler's reelection to the Texas State House of Representatives. Specifically, the complaint alleges that U.S. Representatives Barton and Granger, together with their "agent," State Representative Zedler, illegally solicited "soft money" in an August 19, 2008 invitation to the event, which listed U.S. Representative Barton and Granger as "Honorary Hosts" of the event. Representatives Barton and Granger responded to the complaint by asserting that the matter should be dismissed. Their response includes an affidavit from Bill Zedler.

The invitation solicited contributions in the amounts of \$1,000, \$2,500, or \$5,000. The complaint states that after a *Texas Weekly* blog article described the invitation as a "violation," the Zedler campaign sent a second invitation that omitted the Representatives' names and designations and stated "a layout error was made on the previous invitation to this event. This corrected invitation supersedes all other invitations in order to ensure complete compliance with

state and federal law.” The second invitation solicits contributions in the same amounts as the first.

In his affidavit, Zedler states that Representative Barton and Granger, as well as Texas Attorney General Greg Abbott, and Texas State Senators Kim Brinnar and Jane Nelson, agreed to serve as “Honorary Hosts” of his September 9, 2008 fundraiser. According to Zedler, “[a]sking other elected officials to serve as Honorary Hosts is customary in state elections.” However, Zedler avers:

At no time during the conversations with any of the elected officials or their respective staffs were they requested to solicit political contributions on my behalf nor did they request that I solicit political contributions in their name or otherwise authorize me or my staff to do so. Moreover, it was never my intent to attribute any funds that would be raised at the fundraiser for my state re-election campaign to any of the elected officials due to their mere attendance at the fundraiser. . . . None of the elected officials or their respective staffs reviewed or were otherwise involved in the preparation or dissemination of the invitation. Additionally, neither my staff nor I informed Congresswoman Granger and Congressman Barton, or their respective staffs, as to the content of the invitation.

After speaking to the *Texas Weekly* reporter, Zedler contacted the staffs of Representatives Barton and Granger and told them he was reissuing the invitation without their names and publishing “a new and clarifying invitation to supersede all previous invitations.” Finally, Zedler avers that neither Representative attended the fundraiser, that the largest individual contribution received at the event was \$1,250, and that the largest PAC contribution received was \$2,500, both of which are within the applicable federal limits. In their joint response, the Representatives rely on Zedler’s affidavit, but additionally state that the conversations with the Zedler campaign were through their staffs, the agreements to serve as “honorary hosts” were “preliminary,” and that neither they, nor their respective staffs, reviewed or were otherwise aware of the first invitation prior to its issuance by the Zedler campaign.

200909254652

### III. ANALYSIS

Federal officeholders and candidates for Federal office may solicit, receive, direct, transfer or spend funds in connection with any non-Federal election, only in amounts and from sources that are consistent with State law and that do not exceed the Act's contribution limits or come from prohibited sources. *See* 2 U.S.C. § 441i(e)(1)(B) and 11 C.F.R. § 300.62. At the time of the events in question, the Act limited individual contributions to \$2,300; political action committee contributions were and are limited to \$5,000. *See* 2 U.S.C. §§ 441a(a)(1)(A) and 441a(a)(2)(A); *see also* 2 U.S.C. § 441a(c).

Here, the first invitation solicits contributions of up to \$2,500 and \$5,000, which exceed the Act's limitation for individual contributors. In addition, the invitation fails to state that corporate and labor union contributions are prohibited. However, from the information available, it appears that neither Representative approved, authorized, agreed or consented to be featured or named, in the publicity. The complaint states that "it is inconceivable that [State Representative Zedler] would have distributed an invitation featuring two Members of Congress without having secured their consent beforehand." However, while Zedler apparently thought he had their final consent to serve as "Honorary Hosts," he stated in his affidavit that he did not have Representatives Barton's and Granger's consent to use their names in an invitation in order to raise money. Zedler has averred, and both Representatives agree, that there were no conversations with the Representatives or their staffs concerning the soliciting of contributions on Zedler's behalf or in their names. Moreover, in his affidavit, Zedler stated that he never obtained authorization from the Representatives to solicit contributions using their names, and that neither the Representatives nor their staffs reviewed or were involved in the preparation or dissemination of the first invitation, or were informed of its contents. Further, Barton and

29044253653



Granger each assert that even the agreement to serve as "Honorary Host" was "preliminary."

Accordingly, the Commission determined that the Representatives did not appear to have approved, authorized, agreed, or consented to be featured or named in the first invitation.

Therefore, the Commission found no reason to believe that Congressman Joe Barton and

Congresswoman Kay Granger violated 2 U.S.C. § 441i(c)(1)(B).

29049254654